

From: [Tonetta Richard](#)
To: [Jeffrey DiLazzero](#)
Cc: [Harrington, Dwayne](#); [Prince, John](#); [Doyle, James](#); [Regna, Jean](#); [Mosher, Eric](#); [Banner, Ellen](#); [McGowan, Michael](#); [Daloia, James](#); [Seppi, Pat](#); [Rodriguez, Elias](#); [Norrell, Neil](#); [Lucarino, Kelli](#); [Lieber, Thomas](#); [Lopez Emma](#); [Jones Dale](#); [Pagnini Robert](#); [anthony.carl@dep.nj.gov](#); [robert.vanfossen@dep.nj.gov](#); [Gary.Pearson@dep.nj.gov](#); [James.Manuel@dep.nj.gov](#); [Bell Dave](#); [Kluesner, Dave](#); [todd.kast@dep.nj.gov](#); [pjohnson@gesoncall.com](#); [djohnson@gesoncall.com](#); [jrobertson@gesoncall.com](#); [mbenson@bbattorneys.net](#)
Subject: RE: South Jersey Ice
Date: Wednesday, July 20, 2016 2:17:37 PM

Jeff,

Thanks for the Liberty Mutual letter referencing the DeMarco report, but it did not provide the report. Please let me know if you have the report and if not, if your client will authorize its release. Thanks. As for your request for documents, I have forwarded your request to the Construction Code Officer for response. I will try to get you everything by today, if not then by tomorrow. I know he is out of the office doing inspections. You advised that you have been trying to get a report since the NOV was issued on June 13. I can tell you that you never requested these documents from me until now. If you would send me copies of your correspondences requesting the documents I will find out why they have not been sent. I will await your response and make sure the Director is advised of this unfortunate incident when you send me the requested information. I am sure he will take the appropriate action.

Richard P. Tonetta, Esq.
Solicitor, City of Vineland
640 E. Wood Street
P.O. Box 1508
Vineland, NJ 08362-1508
(856) 794-4000 Ext. 4600
Fax: (856) 405-4632
Email: rtonetta@vinelandcity.org

From: Jeffrey DiLazzero [<mailto:jdilazzero@gmail.com>]
Sent: Wednesday, July 20, 2016 12:32 PM
To: Tonetta Richard
Cc: [Harrington, Dwayne](#); [Prince, John](#); [Doyle, James](#); [Regna, Jean](#); [Mosher, Eric](#); [Banner, Ellen](#); [McGowan, Michael](#); [Daloia, James](#); [Seppi, Pat](#); [Rodriguez, Elias](#); [Norrell, Neil](#); [Lucarino, Kelli](#); [Lieber, Thomas](#); [Lopez Emma](#); [Jones Dale](#); [Pagnini Robert](#); [anthony.carl@dep.nj.gov](#); [robert.vanfossen@dep.nj.gov](#); [Gary.Pearson@dep.nj.gov](#); [James.Manuel@dep.nj.gov](#); [Bell Dave](#); [Kluesner, Dave](#); [todd.kast@dep.nj.gov](#); [pjohnson@gesoncall.com](#); [djohnson@gesoncall.com](#); [jrobertson@gesoncall.com](#); [mbenson@bbattorneys.net](#)
Subject: Re: South Jersey Ice

Rick:

Attached is a copy of Liberty Mutual Insurance Company's letter to my client dated September 16, 2014, as well as, Jody F. DeMarco, P.E. of FCNA's report dated September 5, 2014 pertaining to the roof damage caused by my client's prior roofing contractor. Because of the size of this document I had to send it to you as a Google Drive link that you will have to download. As I noted in my previous e-mails, the damage to the roof noted in the report was repaired by my client. The City of Vineland's Construction Office should have copies of the

construction permits that were issued in connection with that repair. I am not sure whether the City ever inspected those repairs when they were completed.

I have also attached a copy of NJAC 5:23-2.32 which provides in relevant part that "Examination and record of damaged structure: The appropriate subcode official **shall** examine every building or structure reported as dangerous, unsafe structurally, unsanitary or constituting a fire hazard and **shall prepare a report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature of the hazard, the nature and estimated amount of damages, if any, caused by collapse or failure.**"

Please provide me with a copy of the report that the City was legally required to prepare in connection with its issuance of the Notice of Unsafe Structure. I have been requesting this report since the time that the Notice of Unsafe Structure was first issued. If the City has not complied with the requirements of this law, you can simply send me and everyone else copied on this e-mail a quick note stating that the City did not comply with the law and did not prepare the report. That will suffice.

Thank you for your time and continuing cooperation.

Jeff

 On Wed, Jul 20, 2016 at 10:49 AM, Tonetta Richard <rtonetta@vinelandcity.org> wrote:
Thanks Jeff. [LibertyMutual&FCNA.9.16.14.Ltr&Report.pdf](#) 

Richard P. Tonetta, Esq.
Solicitor, City of Vineland
640 E. Wood Street
P.O. Box 1508
Vineland, NJ 08362-1508
 [\(856\) 794-4000 Ext. 4600](tel:(856)794-4000)
Fax: [\(856\) 405-4632](tel:(856)405-4632)
Email: rtonetta@vinelandcity.org

From: Jeffrey DiLazzero [mailto:jdilazzero@gmail.com]

Sent: Wednesday, July 20, 2016 10:17 AM

To: Tonetta Richard

Cc: Harrington, Dwayne; Prince, John; Doyle, James; Regna, Jean; Mosher, Eric; Banner, Ellen; McGowan, Michael; Daloia, James; Seppi, Pat; Rodriguez, Elias; Norrell, Neil; Lucarino, Kelli; Lieber, Thomas; Lopez Emma; Jones Dale; Pagnini Robert; anthony.carl@dep.nj.gov; robert.vanfossen@dep.nj.gov; Gary.Pearson@dep.nj.gov; James.Manuel@dep.nj.gov; Bell Dave;

Kluesner, Dave; todd.kast@dep.nj.gov; pjohnson@gesoncall.com; djohnson@gesoncall.com; jrobertson@gesoncall.com; mbenson@bbattorneys.net
Subject: RE: South Jersey Ice

Rick,

As I advised you previously, the report in question has to do with roofing repairs that were completed by my client approximately two years ago. The City of Vineland's construction office should have the permits that were obtained in order to do the work that was done. Theoretically the City should have inspected this work when it was completed. You asked for this report on Thursday of last week. As you are aware, I was not in the office Friday through Sunday or yesterday. I was in Pennsylvania on all of these days.

Monday I was dealing with more pressing issues than providing you with an outdated report that no longer has any relevance to the matter at hand. I am not trying to play hide the ball with respect to the report; and will scan and email it to you later today even though I'm under no legal obligation to do so. I'm still not sure why you didn't simply obtain a copy of the report from whoever told you about it in the first place. Please let me know how you learned about this and from whom. I don't know why you are referring to negative inferences since there is no ongoing litigation at this time; and my client has cooperated fully.

In the meantime, perhaps you should provide the numerous people that you have chosen to carbon copy on this email with a copy of the comprehensive report that I'm sure the City's construction code official prepared when he determined the roof to be unstable. As you know, the relevant statutes and administrative code sections require this as a matter of law. In fact, I'm requesting that you please provide me with a copy of that report as well. I'm sure that the City's report is a much more accurate representation of the condition of the roof at this time. I'm extremely interested in learning how Mr. Kirchner made these determinations based solely upon a visual inspection and without ever getting up on the roof.

So that I am not accused of hiding anything from anyone I will provide everyone cc'd on this email with a copy of the report being requested by Rick. Rick can provide you all with copies of the construction permits that were obtained as well as any inspections prepared by the City which inspects the facility at least annually. To the extent that is not sufficient, I'm sure that my client would consent to allowing anyone who wants to inspect the roof with an opportunity to do so.

Thank you,

Jeff

On Wednesday, July 20, 2016, Tonetta Richard <rtonetta@vinelandcity.org> wrote:
Jeff,

I still have not received the 2014 Structural Engineering Report from Jody DeMarco, PE as promised. Is there a reason you choose not to share the report now after indicating you would do so? I am sure that a negative inference would be requested in the hearing. If you have ANY report regarding the structural integrity of the building, please share it.

Richard P. Tonetta, Esq.
Solicitor, City of Vineland

640 E. Wood Street
P.O. Box 1508
Vineland, NJ 08362-1508
 [\(856\) 794-4000 Ext. 4600](tel:(856)794-4000)
Fax: [\(856\) 405-4632](tel:(856)405-4632)
Email: rtonetta@vinelandcity.org

-----Original Message-----

From: Harrington, Dwayne [<mailto:Harrington.Dwayne@epa.gov>]
Sent: Tuesday, July 19, 2016 5:18 PM
To: Prince, John; Doyle, James; Regna, Jean; Mosher, Eric; Banner, Ellen; McGowan, Michael; Daloia, James; Seppi, Pat; Rodriguez, Elias; Norrell, Neil; Lucarino, Kelli; Lieber, Thomas; Lopez Emma; Jones Dale; Tonetta Richard; Pagnini Robert; anthony.carl@dep.nj.gov; robert.vanfossen@dep.nj.gov; Gary.Pearson@dep.nj.gov; James.Manuel@dep.nj.gov; Bell Dave; Kluesner, Dave; todd.kast@dep.nj.gov; pjohnson@gesoncall.com; djohnson@gesoncall.com; jrobertson@gesoncall.com
Subject: Re: South Jersey Ice

EPA, NJDEP, and VFD inspected the warehouse and confirmed that all perishable produce has been removed. A few pallets of ice remain in the basement and bottom floor.

An old skid-mounted unconnected 15' x 4' storage tank was discovered in a cold storage room on the first floor. The facility owner stated that the tank may have at one time contained anhydrous ammonia. The pressure gauge reads zero but another gauge reads 50 (units unknown).

The tank is skid mounted and the facility owner said it has been moved in the past with forklifts and it will be relocated to a front room near the loading dock for further assessment following the ammonia removal.

Sent from my iPad

> On Jul 19, 2016, at 3:31 PM, Harrington, Dwayne <Harrington.Dwayne@epa.gov> wrote:
>
> The last truck of produce is being loaded
>
> EPA, NJDEP, and VFD will inspect the building this afternoon to confirm that all perishable product has been removed from the warehouse.
>
>
> Sent from my iPad
>
>> On Jul 19, 2016, at 2:03 PM, Harrington, Dwayne <Harrington.Dwayne@epa.gov> wrote:
>>
>> I just spoke with Mark DiMeo
>>
>> He told me that at this time it appears highly likely that they will request and grant access for EPA to begin the ammonia removal tomorrow morning. They should have something

formal to that effect for us tomorrow morning.

>>

>> I assume it's a result of their contractor's assessment.

>>

>> I assume we should mobilize accordingly.

>>

>>

>>

>> Sent from my iPad

--

Jeffrey A. DiLazzero, Esquire
99 N. Main Street, Second Floor
Mullica Hill, New Jersey 08062
Telephone: [\(856\)223-0008](tel:(856)223-0008)
Mobile: [\(609\)254-6480](tel:(609)254-6480)
E-Mail: jdilazzero@gmail.com

--

Jeffrey A. DiLazzero, Esquire
99 N. Main Street, Second Floor
Mullica Hill, New Jersey 08062
Telephone: (856)223-0008
Mobile: (609)254-6480
E-Mail: jdilazzero@gmail.com